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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/026,293

12/21/2001

Robert Palmquist

1011-001US01

8120

28863 7590 05/02/2007
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1625 RADIO DRIVE
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EXAMINER

SPOONER, LAMONT M

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/026,293

Applicant(s)

PALMQUIST, ROBERT

Examiner

Lamont M. Spooner

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-9,11,12,16,18,22,26,28,29,32,37,38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-9,11,12,16,18,22,26,28,29,32,37,38 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 2/9/07, with respect to the rejection(s) of the claim(s) have been fully considered and are persuasive, regarding antedating Weiner (US 2003/0023424).
2. Applicant's arguments filed 2/9/07 have been fully considered but they are not persuasive. More specifically, applicant's arguments regarding claim 6, "Teicher only discusses a single image and not a second image containing second text in the first language", the Applicant claims, "generating from the first image a second image containing the text in response to a command from a user, wherein generating the second image includes editing out one or more portions of the first image that do not include the text", Teicher teaches, ([0021]), "Fig. 3B shows a frame 32 identifying text 31, as being of interest, and which isolates text 31 from non-text or other text objects included in the image..." thus creating the second image).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, 9, 11, 12, 16, 18, 22, 26, 28, 29, 32, 37, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher (US 2001/0032070) in view of Lev et al. (US 2002/0102966).

As per **claim 1**, Teicher teaches a method comprising:

capturing an image containing text in a first language with a digital camera of a device (Fig. 1, 3a, [0038]);

receiving at the device translation the text in a second language (Fig. 3c); and

displaying at the device the translation of the text in the second language (Fig. 3c).

but lacks explicitly establishing with the device a wireless connection with a network and transmitting the image containing text in the first language from the device over the network via the wireless connection, and receiving at the device translation the text in a second language over the network via the wireless connection.

However, Lev teaches these lacking limitations, establishing with the device a wireless connection with a network, transmitting the image

containing text in the first language from the device over the network via the wireless connection, and receiving at the device the text in a language over the network via the wireless connection ([0003, 0089], Fig. 4).

Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Teicher's camera translation system, with Lev's wireless image recognition. Thereby, providing the benefit of processing through remote facilities (abstract).

As per **claim 3**, Teicher further teaches displaying the image (Fig. 3a, claim 3).

As per **claim 4**, Teicher further teaches displaying the image and displaying the translation of the text in the second language simultaneously (Fig.3c, claim 4).

As per **claim 9**, Teicher lacks further teaches compressing the image. However, Lev teaches this lacking element (Fig. 4-see compressed images). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Teicher's camera translation system with Lev's wireless image recognition. Thereby, providing the benefit of processing through remote facilities (abstract).

As per **claim 11**, Teicher lacks explicitly teaching prompting a user to provide additional information comprising at least one of an account number, an identification of the first language, an identification of the second language, a dictionary and a server location. However, the Examiner takes Official notice that prompting based on security constraints, i.e. passwords/account numbers, was well known at the time of the invention. Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to include security constraints, password and account prompts, with Teicher's and Lev's. Providing the benefit of determining where and what operations will be performed (see Lev. [0035]).

As per **claim 12**, Lev further teaches wherein the network comprises a cellular telephone network (see claim 1, Fig. 4).

As per **claim 28**, claim 28 sets forth limitations similar to claim 1, and is thus rejected for the same reasons and under the same rationale, wherein Teicher further teaches generating from the first image a second image containing the text in response to a command from a user, wherein generating the second image includes editing out one or more portions of the first image that do not include the text (Fig. 3b, p.2.para 0021)

As per **claims 16, 18, 22** (see rejection of previous claims-the different device inherent to the wireless transmission, cell phone..., claim 22, see claims 1, 12).

As per **claims 26, 29, and 32, and 37, 38**, see previous rejections.

As per **claim 40**, Teicher lacks explicitly teaching displaying the first image on a touchscreen of the device, wherein the command includes a user input circling the text with a stylus on the touchscreen ([0023]-his cursor control unit for selecting the text. However, Lev teaches of a PDA ([0003]. The Examiner takes official notice that selecting text on a touchscreen of a PDA was well known at the time of the invention. Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Teicher's camera cursor selection of text with Lev's wireless PDA, with touchscreen selection. Providing the benefit of multiple mode text selection.

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teicher (US 2001/0032070) in view of Lev, and further in view of Myers et al. (US 7,171,046).

As per **claim 6**, Teicher further teaches wherein the image is a first image containing first text (see claim 1),

but lacks teaching transmitting text over the network, and receiving text over the network.

However, Lev further teaches these lacking limitations. ([0003, 0089], Fig. 4). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Teicher's camera translation system, with Lev's wireless image recognition. Thereby, providing the benefit of processing through remote facilities (abstract).

Teicher and Lev lack explicitly teaching a second image containing second text in the first language, receiving translation of the first text and the second text in the second text.

However, Myers teaches these lacking limitations (C.4.lines 46-59).

Therefore at the time of the invention it would've been obvious to one of ordinary skill in the art to combine Teicher's camera with Myer's sequence of images providing the benefit of portable translation of selectable images (ibid).

As per **claim 7**, Myers further teaches transmitting the first image and the second image over a network in response to a single command from a user (C.4.lines 46-59, C.8.lines 1-3).

As per **claim 8**, Teicher and Lev lack teaching displaying one of the translation or the first text and the translation of the second text in response to a command from a user.

However, Myers further teaches displaying one of the translation or the first text and the translation of the second text in response to a command from a user (C.8.lines 1-3).

Therefore at the time of the invention it would've been obvious to one of ordinary skill in the art to combine Teicher's camera with Myer's sequence of images providing the benefit of portable translation of selectable images (ibid).


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms
4/28/07


PATRICK N. EDOUARD
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